COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

OFFICER INVOLVED NON - HIT SHOOTING EVALUATION

UNIT: C.V. STATION, UNIT 76 PM'S

DATE: MARCH 18, 1995

TIME: 2040 HOURS

LOCATION: WOODBURY AND MARENGO

URN #: 495-01425-0774-051

IAB #: S008896

NATURE OF INCIDENT:

DEPUTY WAS DRIVING S/B ON MARENGO AVE. AND TURNED W/B ONTO WOODBURY ROAD WHEN HE OBSERVED TWO VEHICLES ON WOODBURY RD. TRAVELING E/B THAT WERE APPARENTLY EXCHANGING GUNFIRE. WHEN THE VEHICLES WERE ABREAST OF HIS LOCATION, HE SAW MUZZLE FLASHES AND HEARD BULLETS THAT WHIZZED PAST HIM. FEARING FOR HIS SAFETY, HE DISCHARGED THREE ROUNDS FROM HIS SHOTGUN AT ONE OF THE VEHICLES WHICH STOPPED THE GUN FIRE IN HIS DIRECTION.

COMPLETED BY: SGT. HERMAN D. TREVIZO **DATE:** April 11, 1995

Internal Affairs Bureau

COUNTY (LOS ANGELES - SHERIFF'S DE RTMENT
INCIDENT DATA

WHAT INITIATED INCIDENT

Call	[ ]	Observation	[X]	Search Warrant	[ ]	Arrest Warrant	[ ]

LOCATION OF OCCURRENCE

WOODBURY ROAD AND MARENGO AVE., ALTADENA

TYPE OF LOCATION

Residence	[ ]	Business	[ ]	Industrial	[ ]	Parking Lot	[ ]
Street	[X]	Backyard	[ ]	Freeway	[ ]	Rural	[ ]
Other	[ ]						

SHOOTING CONDITIONS

DATE	TIME	DAY
03/18/95	2040 HOURS	SATURDAY

LIGHTING	WEATHER
NIGHTTIME, STREET LAMPS NEAR BY.	CLEAR

DISTANCE

THIRTY (30) FEET

CONTRIBUTING FACTORS

DEPUTY OBSERVED A 245 P.C. IN PROGRESS AND WAS POSSIBLY FIRED UPON BY SUSPECTS.

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

CLASSIFICATION

ACCIDENTAL:	NO
GUN TAKE-AWAY:	NO
PERSON(S) ARMED:	YES
PERSON(S) UNARMED:	NO
STARTLE:	NO
UNINTENTIONAL:	NO
DEPUTY IN UNIFORM:	[X] RAID JACKET: [ ] PLAIN CLOTHES: [ ]
VEST WORN:	YES
FOOT PURSUIT:	NO
VEHICLE PURSUIT:	YES
MOVING VEHICLE:	YES
VEHICLE STOP:	NO
TYPE OF HOLSTER:	DUTY HOLSTER
GUN IN HOLSTER:	YES
STRUGGLE INVOLVED:	NO

ADDITIONAL FACTS AND INFORMATION:

DEPUTY OBSERVED A 245 P.C. IN PROGRESS AND WAS POSSIBLY FIRED UPON BY SUSPECTS.

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

DEPUTY INVOLVED

SHOOTER

EMPLOYEE'S NAME		
ELLIS, RICHARD A.		

RANK	EMPLOYEE NO.	UNIT AND DIVISION / REGION OF ASSIGNMENT
DEPUTY	[redacted]	CRESCENTA VALLEY/FIELD OPS. REGION I

SEX	RACE	HEIGHT	WEIGHT	DATE OF BIRTH	AGE
M	WHITE	5'-11"	190	[redacted]	[redacted]

DUTY STATUS	HIRE DATE
ON-DUTY	04/27/83

UNIFORM	RAID JACKET	PLAIN CLOTHES	VEST
YES	NO	NO	YES

INJURED	DECEASED	CORONER'S CASE NO.
NO	NO	N/A

DESCRIPTION OF INJURIES
NONE

WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE? YES [X] NO [ ]

WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? YES [X] NO [ ]

WHERE? CRESCENTA VALLEY STATION

SUPERVISED BY: WATCH COMMANDER

WEAPON USED

TYPE	AUTHORIZED
ITHACA BRAND 12 GAUGE SHOTGUN	YES, DEPARTMENT ISSUE

AMMUNITION TYPE	AUTHORIZED
WINCHESTER 12 GAU. SHOTGUN RDS.	YES, DEPARTMENT ISSUE

RANGE QUALIFICATION (LAST DATE)	NO. OF ROUNDS FIRED BY DEPUTY	NO. OF HITS
[redacted]	THREE	NONE

DEPUTY'S TOXICOLOGY

UNDER THE INFLUENCE	TEST FOR CAUSE ORDERED	ORDERED BY
NO	NO	N/A

TRAINING INFORMATION

LASER VILLAGE TRAINING (LAST DATE)	PRACTICAL POLICE COURSE (LAST DATE)
[redacted]	[redacted]

ASSIGNMENT HISTORY		
DATE	**UNIT OF ASSIGNMENT**	**RANK**
06/01/89-PRESENT	CRESCENTA VALLEY STATION	DEPUTY SHERIFF
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)		
FILE	**DATE**	**TYPE**
[redacted]		

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

SUSPECT/SUBJECT

LAST NAME	FIRST NAME	M/I
FOREMAN	TOURMARIA	C.

ADDRESS
[redacted]

SEX:	RACE	HEIGHT	WEIGHT	D.O.B.	AGE	DECEASED
M	BLACK	5'-04"	180 LBS.	11/24/72	22	NO

INJURED	DESCRIPTION OF INJURIES
NO	NONE

SUSPECT'S TOXICOLOGY

UNDER THE INFLUENCE
UNKNOWN

TYPE OF SUBSTANCE	LAB TEST CONDUCTED
UNKNOWN	YES, GUNSHOT RESIDUE KIT #07748

ARMED	TYPE OF WEAPON
UNKNOWN	POSSIBLY A 380 AUTOMATIC WEAPON

NUMBER OF SHOTS FIRED BY SUSPECT	NUMBER OF HITS
UNKNOWN NUMBER	NONE

SUSPECT VEHICLE
BLUE 1982 CHEVY MONTE CARLO, 2 DOOR, LICENSE #[redacted]

CRIMINAL HISTORY (ATTACH COPY OF RAPS)
REFER TO EXHIBIT "E" FOR COPY OF RAPS

SUMMARY OF INCIDENT

The summary of this investigation is based upon reports, memorandums, tape recordings and interviews conducted by the Internal Affairs Bureau.

On March 18, 1995, Internal Affairs Bureau investigators contacted Lieutenant Santo Marino, Emp. #[redacted], Crescenta Valley Station P.M. Shift Watch Commander, at Crescenta Valley Station. Lieutenant Marino stated that Deputy Richard Ellis, unit 76 P.M.'s, was involved in an on-duty shooting at the intersection of Woodbury Road and Marengo Avenue in Altadena at 2040 hours. The shooting occurred as a result of an Assault With a Deadly Weapon, 245 P.C., in progress that Deputy Ellis observed. The incident was documented under Crescenta Valley Station File #495-01425-0744-051 (Refer to *Exhibit "A"* for copy of report).

Deputy RICHARD ELLIS, Emp. #[redacted], Crescenta Valley Station, stated that approximately 2040 hours, he was traveling S/B on Marengo Avenue approaching Woodbury Road. He stated that when he reached the intersection, he turned right (W/B) into the #2 lane of Woodbury Road. He stated that after he turned, he heard approximately 15 rapid fire gunshots that came from an area south of his location. ELLIS said that he stopped his vehicle in the #2 lane to decrease the engine noise of his vehicle in order to determine where the gunfire was coming from. He stated that he then saw three vehicles traveling east on Woodbury Road approaching Marengo Avenue. The vehicles were not traveling very fast.

SUSPECT/SUBJECT

Deputy ELLIS stated that he saw a small, tan station wagon that was followed by a blue sedan that appeared to have two occupants in the front seat. He said that parallel to the blue sedan was another sedan that was on the passenger side of the blue sedan. ELLIS stated that it appeared to him that the occupants of the two sedans were exchanging gunfire because of the rapid fire.

Deputy ELLIS stated that the three vehicles continued to drive E/B and by this time, the two sedans were parallel to his position (Refer to *Exhibit "B"* for diagram of approximate positioning of the vehicles). ELLIS said that the station wagon was slowing down in order to stop for the east/west red signal light at the intersection of Woodbury Road and Marengo Avenue. ELLIS said that the driver (Suspect Foreman) of the blue sedan was not paying attention to the vehicle in front of him and collided into the rear end of the station wagon (Witness [redacted] vehicle). ELLIS stated that the collision almost caused Suspect Foreman's vehicle to come to a stop.

Deputy ELLIS stated that he then saw muzzle flashes and heard gunshots that were in his direction coming from the passenger compartment of the blue sedan. He was afraid of being shot and defended himself by instinctively, removing the shotgun from the locked rack by pressing the automatic release. ELLIS stated that all the shotgun rounds were in the magazine and it was necessary for him to chamber the rounds. ELLIS said that he was still seated in the drivers seat of his vehicle and pointed the barrel of the shotgun out through the open drivers window and fired three rounds.

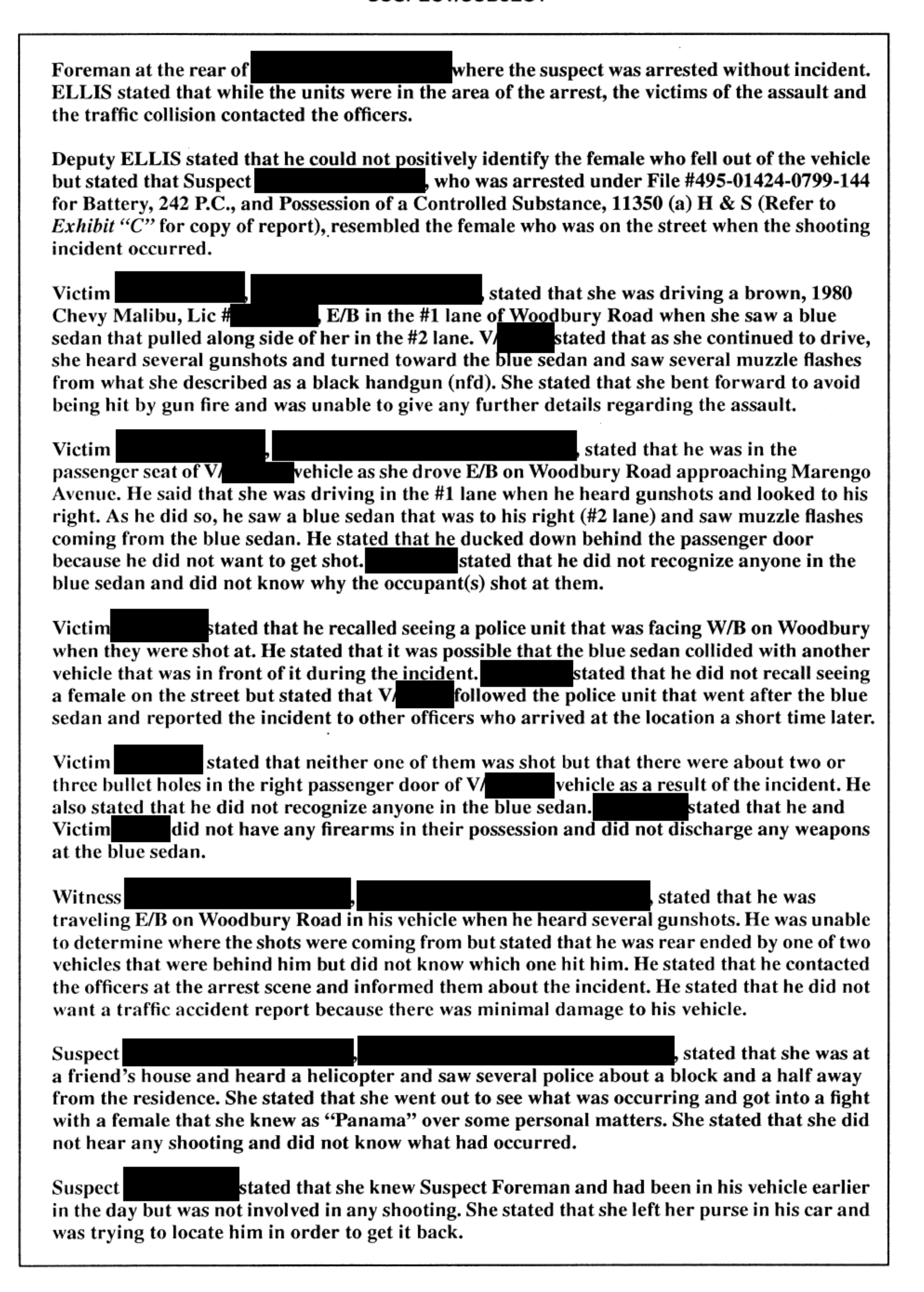
Deputy ELLIS stated that he discharged the first round and waited a split second before firing the second and third rounds. He stated that the gunfire in his direction ceased as a result of his return fire. ELLIS stated that he directed his fire at Foreman's vehicle but could not tell if he struck the vehicle or any of the occupants (Refer to *Exhibit "D"*, pages 5 through 9). ELLIS stated that he did not know why he stayed and returned fire instead of accelerating out of the area. ELLIS stated that his first thought was to arm himself and to return fire. ELLIS said that he realized the fire power of the shotgun and felt comfortable using it to defend himself. He stated that he may have felt inhibited about drawing his Beretta from his holster because he had his seat belt on. ELLIS stated that he could not tell who was shooting at him but was fairly certain that the gunshots came from the passenger area of the blue sedan and were not fired by the driver (Suspect Foreman) of the blue sedan.

Deputy ELLIS stated that at this time, the sedan to the right of Foreman's vehicle drove E/B past the other two vehicles and out of view. He stated that Suspect Foreman drove his vehicle to the right of the station wagon and turned S/B onto Marengo Avenue. ELLIS said that when Foreman drove off, he saw a Black adult female sitting in a dazed fashion in the street where Foreman's vehicle had been when he (Ellis) was shot at. He said that it appeared to him that she had fallen out of the passenger side of the blue sedan but did not appear to be injured. ELLIS said that the station wagon remained at the point of the collision.

Deputy ELLIS stated that he executed a U-turn and followed Suspect Foreman because he felt that he may have shot him. He advised S.R.C. that there had been an assault and that he was following a suspect vehicle but did not initially advise S.R.C. that he was involved in the assault. He stated that he did not know why he did not advise S.R.C. that he was involved.

Deputy ELLIS stated that S/Foreman turned E/B on Montana Street. He said that he lost sight of the vehicle momentarily until he (Ellis) turned onto Montana Street. ELLIS stated that as he turned, he saw that S/Foreman had stopped and saw him exit the blue sedan through the driver's door. He stated that the suspect ran north into the yards of the homes along the 200 block of Montana Street. ELLIS said that he directed assisting units and Air 21 who located

SUSPECT/SUBJECT



Foreman at the rear of [redacted] where the suspect was arrested without incident. ELLIS stated that while the units were in the area of the arrest, the victims of the assault and the traffic collision contacted the officers.

Deputy ELLIS stated that he could not positively identify the female who fell out of the vehicle but stated that Suspect [redacted], who was arrested under File #495-01424-0799-144 for Battery, 242 P.C., and Possession of a Controlled Substance, 11350 (a) H & S (Refer to *Exhibit "C"* for copy of report), resembled the female who was on the street when the shooting incident occurred.

Victim [redacted], [redacted], stated that she was driving a brown, 1980 Chevy Malibu, Lic # [redacted], E/B in the #1 lane of Woodbury Road when she saw a blue sedan that pulled along side of her in the #2 lane. V/[redacted] stated that as she continued to drive, she heard several gunshots and turned toward the blue sedan and saw several muzzle flashes from what she described as a black handgun (nfd). She stated that she bent forward to avoid being hit by gun fire and was unable to give any further details regarding the assault.

Victim [redacted], [redacted], stated that he was in the passenger seat of V/[redacted] vehicle as she drove E/B on Woodbury Road approaching Marengo Avenue. He said that she was driving in the #1 lane when he heard gunshots and looked to his right. As he did so, he saw a blue sedan that was to his right (#2 lane) and saw muzzle flashes coming from the blue sedan. He stated that he ducked down behind the passenger door because he did not want to get shot. [redacted] stated that he did not recognize anyone in the blue sedan and did not know why the occupant(s) shot at them.

Victim [redacted] stated that he recalled seeing a police unit that was facing W/B on Woodbury when they were shot at. He stated that it was possible that the blue sedan collided with another vehicle that was in front of it during the incident. [redacted] stated that he did not recall seeing a female on the street but stated that V/[redacted] followed the police unit that went after the blue sedan and reported the incident to other officers who arrived at the location a short time later.

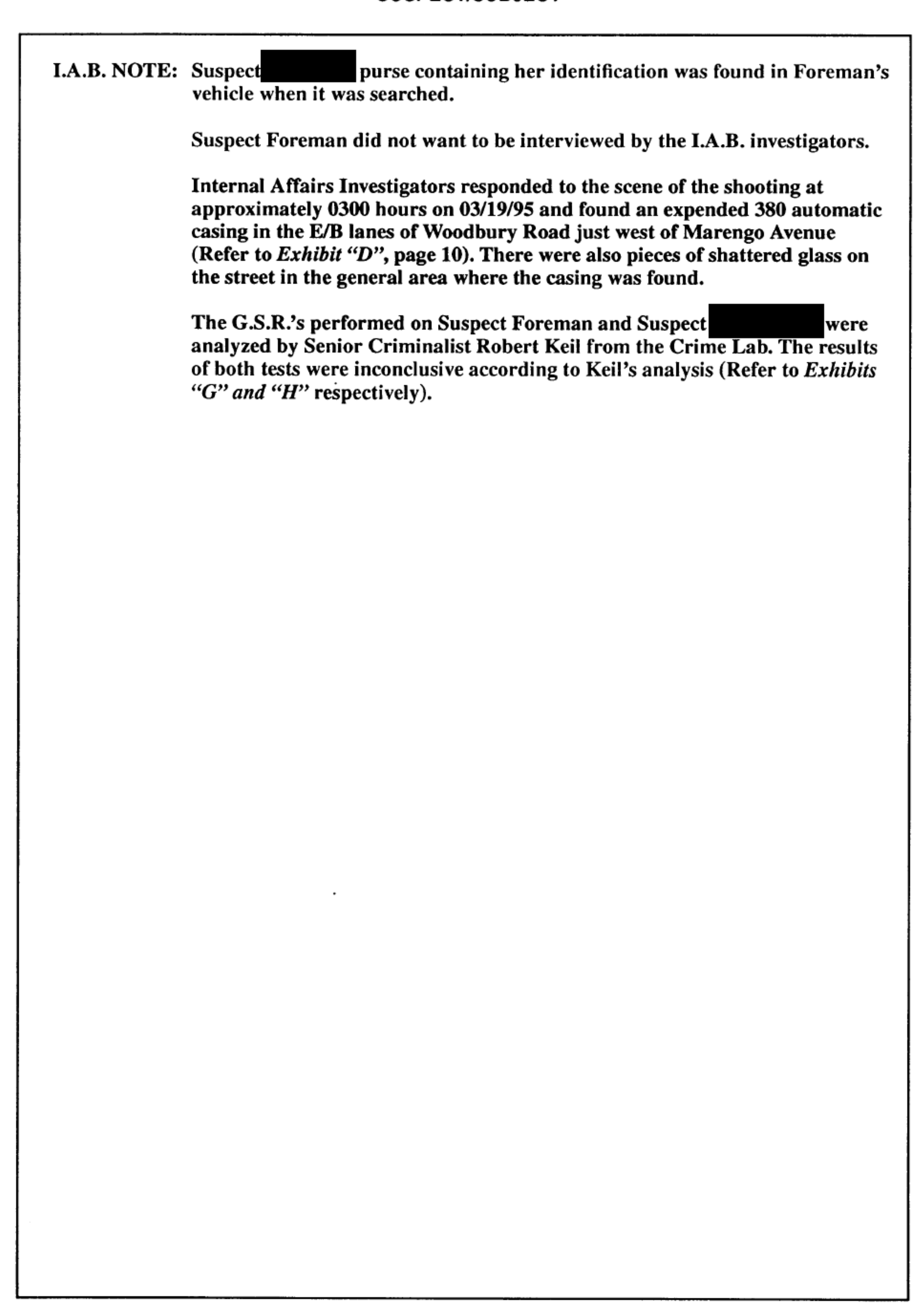
Victim [redacted] stated that neither one of them was shot but that there were about two or three bullet holes in the right passenger door of V/[redacted] vehicle as a result of the incident. He also stated that he did not recognize anyone in the blue sedan. [redacted] stated that he and Victim [redacted] did not have any firearms in their possession and did not discharge any weapons at the blue sedan.

Witness [redacted], [redacted], stated that he was traveling E/B on Woodbury Road in his vehicle when he heard several gunshots. He was unable to determine where the shots were coming from but stated that he was rear ended by one of two vehicles that were behind him but did not know which one hit him. He stated that he contacted the officers at the arrest scene and informed them about the incident. He stated that he did not want a traffic accident report because there was minimal damage to his vehicle.

Suspect [redacted], [redacted], stated that she was at a friend's house and heard a helicopter and saw several police about a block and a half away from the residence. She stated that she went out to see what was occurring and got into a fight with a female that she knew as "Panama" over some personal matters. She stated that she did not hear any shooting and did not know what had occurred.

Suspect [redacted] stated that she knew Suspect Foreman and had been in his vehicle earlier in the day but was not involved in any shooting. She stated that she left her purse in his car and was trying to locate him in order to get it back.

SUSPECT/SUBJECT



I.A.B. NOTE: **Suspect [redacted] purse containing her identification was found in Foreman's vehicle when it was searched.**

Suspect Foreman did not want to be interviewed by the I.A.B. investigators.

Internal Affairs Investigators responded to the scene of the shooting at approximately 0300 hours on 03/19/95 and found an expended 380 automatic casing in the E/B lanes of Woodbury Road just west of Marengo Avenue (Refer to *Exhibit "D"*, page 10). There were also pieces of shattered glass on the street in the general area where the casing was found.

The G.S.R.'s performed on Suspect Foreman and Suspect [redacted] were analyzed by Senior Criminalist Robert Keil from the Crime Lab. The results of both tests were inconclusive according to Keil's analysis (Refer to *Exhibits "G" and "H"* respectively).

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

SUSPECT/SUBJECT

LAST NAME	FIRST NAME	M/I
[redacted]	[redacted]	[redacted]

ADDRESS
[redacted]

SEX:	RACE	HEIGHT	WEIGHT	D.O.B.	AGE	DECEASED
F	BLACK	5'-04"	120 LBS.	[redacted]	26	NO

INJURED	DESCRIPTION OF INJURIES
YES	SCRATCHES ON FACE

SUSPECT'S TOXICOLOGY

UNDER THE INFLUENCE
UNKNOWN

TYPE OF SUBSTANCE	LAB TEST CONDUCTED
UNKNOWN	GUNSHOT RESIDUE KIT #07744

ARMED	TYPE OF WEAPON
POSSIBLY	POSSIBLY A 380 AUTOMATIC WEAPON

NUMBER OF SHOTS FIRED BY SUSPECT	NUMBER OF HITS
UNKNOWN	NONE

SUSPECT VEHICLE
BLUE 1982 CHEVY MONTE CARLO, 2 DOOR, LIC #[redacted]

CRIMINAL HISTORY (ATTACH COPY OF RAPS)
REFER TO EXHIBIT "F" FOR COPY OF RAPS

SUMMARY OF INCIDENT
REFER TO SUMMARY IN SUSPECT FOREMAN'S INFORMATION SHEET

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

WITNESS LIST

SWORN AND DEPT EMPLOYEES TO INCLUDE NAME, RANK, EMPLOYEE NUMBER, UNIT, AND DIVISION/REGION OF ASSIGNMENT - ALL OTHER WITNESSES TO INCLUDE NAME, ADDRESS (BUSINESS AND HOME) AND TELEPHONE #

WITNESS # 1

[redacted]

was interviewed on Saturday, March 18, 1995 at 2342 hours by Sergeants Herman Trevizo and Mark Walker of the Internal Affairs Bureau. The interview was tape recorded. The person interviewed was given a copy of her Administrative Rights: Yes [_] No[_X]

WITNESS # 2

RICHARD A. ELLIS, DEPUTY, EMP. #[redacted]
CRESCENTA VALLEY STATION
FIELD OPERATIONS REGION I

was interviewed on Saturday, March 19, 1995 at 0117 hours by Sergeants Herman Trevizo and Mark Walker of the Internal Affairs Bureau. The interview was tape recorded. The person interviewed was given a copy of his Administrative Rights: Yes [_X] No [__]

WITNESS # 3

[redacted]

was telephonically interviewed on Thursday, March 30, 1995 at 1430 hours by Sergeant Herman Trevizo of the Internal Affairs Bureau. The interview was tape recorded. The person interviewed was given a copy of his AdministrativeRights: Yes [__] No [_X]

WITNESS # ____

was interviewed on ________________ at ________ hours by ________________________ of the Internal Affairs Bureau. The interview was (was not) tape recorded. The person interviewed was given a copy of his/herAdministrativeRights: Yes [__] No [__]

NOTE: THIS LIST ONLY CONTAINS THOSE WITNESSES PERSONALLY INTERVIEWED BY I.A.B. INVESTIGATORS. SEE ATTACHED REPORTS AND DOCUMENTS FOR POSSIBLE ADDITIONAL WITNESSES.